

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE LITIGATION) MDL NO. 1456
) Civil Action No. 01-12257-PBS
)
THIS DOCUMENT RELATES TO:) Judge Patti B. Saris
)
The City of New York v. Abbott Laboratories, Inc., et al.)
(S.D.N.Y. No. 04-CV-06054))
County of Albany v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00425))
County of Allegany v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06231))
County of Broome v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00456))
County of Cattaraugus v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06242))
County of Cayuga v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00423))
County of Chautauqua v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06204))
County of Chemung v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06744))
County of Chenango v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00354))
County of Columbia v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00867))

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STIPULATION OF DISMISSAL WITH PREJUDICE

County of Cortland v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00881))
County of Dutchess v. Abbott Laboratories, Inc., et al.)
(S.D.N.Y. No. 05-CV-06458))
County of Essex County v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00878))
County of Fulton v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00519))
County of Genesee v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06206))
County of Greene v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00474))
County of Herkimer v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00415))
County of Jefferson v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00715))
County of Lewis v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00839))
County of Madison v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00714))
County of Monroe v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06148))
County of Nassau v. Abbott Laboratories, Inc., et al.)
(E.D.N.Y. No. 04-CV-5126))
County of Niagara v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06296))
County of Oneida v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00489))
County of Onondaga v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00088))
County of Ontario v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06373))
County of Orange v. Abbott Laboratories, Inc., et al.)
(S.D.N.Y. No. 07-CV-2777))
County of Orleans v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06371))
County of Putnam v. Abbott Laboratories, Inc., et al.)
(S.D.N.Y. No. 05-CV-04740))

County of Rensselaer v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00422))
County of Rockland v. Abbott Laboratories, Inc., et al.)
(S.D.N.Y. No. 03-CV-7055))
County of Saratoga v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00478))
County of Schuyler v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06387))
County of Seneca v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06370))
County of St. Lawrence v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00479))
County of Steuben v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06223))
County of Suffolk v. Abbott Laboratories, Inc., et al.)
(E.D.N.Y. No. CV-03-229))
County of Tompkins v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00397))
County of Ulster v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 06-CV-0123))
County of Warren v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00468))
County of Washington v. Abbott Laboratories, Inc., et al.)
(N.D.N.Y. No. 05-CV-00408))
County of Wayne v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06138))
County of Westchester v. Abbott Laboratories, Inc., et al.)
(S.D.N.Y. No. 03-CV-6178))
County of Wyoming v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 03-CV-6379))
AND)
County of Yates v. Abbott Laboratories, Inc., et al.)
(W.D.N.Y. No. 05-CV-06172))

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, The City of New York and certain New York Counties, plaintiffs in this action, and EMD Serono, Inc., f/k/a Serono, Inc., hereby stipulate to the dismissal of all claims and counterclaims that were or could have been asserted against EMD Serono, Inc. in the action, with prejudice, without costs and/or attorneys' fees to any party, and with all appeals waived.

**THE CITY OF NEW YORK AND ALL
CAPTIONED NEW YORK COUNTIES
EXCEPT COUNTY OF NASSAU AND
COUNTY OF ORANGE,**

By their attorneys,

/s/ Joanne M. Cicala

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Dated: February 27, 2009

CERTIFICATE OF SERVICE

I, David M. Ryan, do hereby certify that I caused a copy of the foregoing Stipulation to be served by electronic means, upon all counsel of record, on this 27th day of February, 2009.

/s/ David M. Ryan
David M. Ryan